

ORDER PREPARED BY:

BENJAMIN J. JENSEN, No. 14216
MICHAEL M. QUEALY, No. 2667
SARAH M. SHECHTER, No. 15357
Assistant Attorneys General
SEAN D. REYES, No 7969
UTAH ATTORNEY GENERAL
1594 West North Temple, Suite 300
Salt Lake City, Utah 84116
Telephone: (801) 538-7227
bjensen@utah.gov
mquealy@utah.gov
sshechter@utah.gov

Attorneys for the Utah State Engineer

The Order of the Court is stated below:

Dated: April 21, 2016
12:40:54 PM

/s/ LAURA SCOTT
District Court Judge



IN THE THIRD JUDICIAL DISTRICT COURT

SALT LAKE COUNTY, STATE OF UTAH

IN THE MATTER OF THE GENERAL
DETERMINATION OF ALL THE RIGHTS
TO THE USE OF WATER, BOTH
SURFACE AND UNDERGROUND,
WITHIN THE DRAINAGE AREA OF THE
UTAH LAKE AND JORDAN RIVER IN
UTAH, SALT LAKE, DAVIS, SUMMIT,
WASATCH, SANPETE, AND JUAB
COUNTIES IN UTAH

GENERAL CASE FILE

**REVISED ORDER GRANTING THE
MOTION TO APPOINT A MASTER IN
THE UTAH LAKE AND JORDAN
RIVER GENERAL ADJUDICATION**

Civil No. 360057298

Judge Laura Scott

This matter came before the Court on the Motion of Kent L. Jones, P.E., Utah State Engineer, through counsel, to appoint a Master in the Utah Lake and Jordan River General Adjudication, pursuant to U.R.C.P. Rule 53.

The Court has reviewed the documents in support of the Motion and considered the arguments. The Court held a hearing on the Motion on October 19, 2015. The following parties appeared through counsel:

1. Benjamin J. Jensen, Michael M. Quealy, and Sarah M. Shechter
Representing: The Utah State Engineer
2. Joseph T. Mathews and Stephen G. Bartell
Representing: The United States of America

3. J. Craig Smith

Representing: Springville City, W. Glade Berry, Magna Water District, and South Farm, LLC

4. John H. Mabey, Jr.

Representing: PacifiCorp

The following filed a response to the Motion, but did not appear at the hearing:

1. Scott H. Martin, Shawn Draney, and Dani Cepernich

Representing: Strawberry Water Users Association, Provo River Water Users Association, Metropolitan Water District of Salt Lake and Sandy, and Utah Lake Distributing Company

On April 4, 2016 the Court held a status conference and the following parties appeared through counsel:

1. Benjamin J. Jensen, Michael M. Quealy, and Sarah M. Shechter

Representing: The Utah State Engineer

2. Joseph T. Mathews

Representing: The United States of America

3. J. Craig Smith

Representing: Springville City, W. Glade Berry, Magna Water District, and South Farm, LLC

4. Jonathan R. Schutz

Representing: PacifiCorp

5. Edwin Barnes and Aaron D. Lebenta

Representing: Central Utah Water Conservancy District

The Court orders that the Utah State Engineer's Motion is granted. However, if the Court, in its discretion, cannot find a suitable and qualified Master, the Court may decide to not appoint a Master. The Court will postpone entering an order of reference until, and if, a specific master is selected.

The Court will seek to find and appoint a Master according to the following process:

1. The Master will serve pursuant to an Order of Reference, and will be paid with funds appropriated by the Utah Legislature for a Master in the General Adjudication.
2. Counsel for the Utah State Engineer will prepare a proposed position announcement and invitation for applications and submit it to the Court by November 19, 2015. If the position announcement and invitation for applications is approved, the Court will advertise the position in a similar fashion to a judicial branch vacancy and will send the announcement to all members of the Utah State Bar. The position will remain open for applications for 30 days following the announcement.

3. Initially, the Court will only consider applicants for the position that are attorneys licensed to practice law in the State of Utah. However, if the Court cannot find any suitable candidates with a Utah Bar license, the position will be opened to attorneys licensed in states other than Utah.
4. The Court will select a smaller pool of qualified candidates from among the applicants by May 6, 2016. Once a pool has been selected, the Court will issue an order announcing the names of the candidates and providing instructions for how to access the candidates' resumes and application materials on the Division of Water Rights website. The Court's Order will also set a deadline, 28 days from the entry of the Order, for the parties to file written comments. The Court will send the list of candidates to all members of the Utah State Bar and provide instructions for submitting comments on the candidates. The State Engineer will publish the Court's order in the *Deseret News* and *Salt Lake Tribune* newspapers for one week and post a link to the candidates' resumes and application materials on the Division of Water Rights website.
5. Any written comments on the candidates shall be submitted in paper format directly to the Court and will be sealed pursuant to Utah Judicial Code of Administration 4-202.04(2)(C)(iii).
6. The Court will hold a hearing on June 16, 2016 at 1:30 P.M. to hear a short presentation from each of the candidates and to discuss any questions or concerns.
7. Following the hearing on the candidates, the State Engineer will file a revised Proposed Order of Reference (after circulating a copy among the parties that responded to the Motion to appoint a Master or appeared at the October 19 hearing, for their comments) incorporating the changes approved by the Court during the October 19 hearing.
8. If the Court selects one of the candidates to serve as a Master in this case, the Court will appoint the candidate as a Master by entering the Utah State Engineer's Proposed Order of Reference, as amended by the Court at the October 19, 2015 hearing.

BY THE COURT

The Court's electronic signature and seal will appear at the top of the document indicating the date and time the court signed and executed the Order.

Revised Order Approved as to Form via email:

/s/ Benjamin J. Jensen

Benjamin J. Jensen
Utah Attorney General's Office
1594 West North Temple #300
Salt Lake City, Utah 84116
Counsel for the Utah State Engineer

/s/ Joseph T. Mathews (with permission)

Joseph T. Mathews
Natural Resources Section
U.S. Department of Justice
P.O. Box 7611
Washington, D.C. 20044-7611
Counsel for the United States of America

/s/ J. Craig Smith (with permission)

J. Craig Smith
Smith Hartvigsen, PLLC
175 South Main Street, Suite 300
Salt Lake City, UT 84111
Counsel for Springville City, W. Glade Berry, Magna Water District, and South Farm, LLC

/s/ Jonathan R. Schutz (with permission)

Jonathan R. Schutz
Mabey, Wright, and James, PLLC
175 South Main, #1330
Salt Lake City, UT 84111
Counsel for PacifiCorp

/s/ Aaron D. Lebenta (with permission)

Aaron D. Lebenta
Clyde Snow & Sessions, P.C.
201 South Main Street, Suite 1300
Salt Lake City, UT 84111
Counsel for Central Utah Water Conservancy District

/s/ Scott H. Martin (with permission)

Scott H. Martin
Snow, Christensen, and Martineau
10 Exchange Place, Eleventh Floor
P.O. Box 45000
Salt Lake City, UT 84145-5000
Counsel for Strawberry Water Users Association, Provo River Water Users Association, Metropolitan Water District of Salt Lake and Sandy, and Utah Lake Distributing Company

CERTIFICATE OF SERVICE

I do hereby certify that on the 20th day of April, 2016, that notice of the proposed **REVISED ORDER GRANTING THE MOTION TO APPOINT A MASTER IN THE UTAH LAKE AND JORDAN RIVER GENERAL ADJUDICATION** was sent via ECF to those listed on the Court's electronic filing system in civil case number 360057298.

/s/ Benjamin J. Jensen